REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 4, 2005. Claims 1-2, 4-17, 19-32, and 34-37 are pending in the Application. The Examiner rejected Claims 1-2, 4-17, 19-32, and 34-47. Applicants have amended Claims 1, 16, 31, and 46. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Section 102 Rejections

The Examiner rejects Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,233,618 issued to Shannon ("*Shannon*"). For the following reasons, Applicants respectfully request reconsideration of Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46.

Independent Claim 1 recites:

> A method for authenticated access to multicast traffic, comprising:
> receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis;
> authenticating access privileges of the user to the multicast channel; and
> disallowing the request in response to at least an unsuccessful authentication.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d

1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*). Whether considered alone or in combination with any other cited references, Applicants respectfully submit that *Shannon* does not disclose, teach, or suggest each and every limitation recited in Applicants' Claim 1.

For example, Applicants respectfully submit that *Shannon* does not disclose, teach, or suggest "receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis," as recited in amended Claim 1. To the contrary, *Shannon* discloses an "access control technique to limit access to information content such as available on the Internet." (Abstract). As stated in *Shannon*, "[r]estricted access to servers or data, for example, on the world wide web, may be useful in the home to deny access to objectionable web page material requested by children." (Column 1, lines 48-51). "A similar need is increasingly felt by information technology professionals in the corporate environment." (Column 1, lines 51-53). Accordingly, *Shannon* discloses a system "for controlling access by client computers to data available from server computers" to prevent access to restricted content. (Column 3, lines 46-50).

Specifically, *Shannon* discloses that a category/restricted destination database 208 is maintained and "is a key element of the invention." (Column 8, lines 23-26). The category/restricted destination database 208 "provides a list of the Uniform Resource Locator (URL's) including URL segments, and IP addresses, for servers containing restricted files, applets, documents, web pages, news groups, Multicast sessions or other content, for each category [associated with a specific topic, such as sex, violence, drugs, and so forth]." (Column 8, lines 25-29 and 3-4). "Since the Internet topology, IP addresses, server location, and the World Wide Web are all constantly changing and URL's, web servers, news sites, Multicast channels, and so forth are all being added and removed from networks such as the Internet on a daily basis, using this invention, one organization can keep the master category database 208 current and up to date, and each organization that uses the database 208 in

conjunction with their own network device 100 can subscribe to, for example, a monthly update or subscription service." (Column 9, lines 44-53).

"In operation of the access controlled network computer environment 30 according to the access control aspect of the invention, one or more client computers 50 through 53 are configured with standard web browsing or content accessing application software . . ." Column 12, lines 16-20). "The browsers or applications on each client computer 50 through 53 allow users to request pages or data or other information from server computers 54 through 56 on the Internet, while still being subject to access control provided by the network device and its configuration and databases provided by the invention." (Column 12, lines 31-36). Specifically, "to perform access control, packet information is compared against database information within network device 100." (Column 13, lines 19-21). More specifically, the network device "obtains the active categories for the group . . . by consulting the group/category database (i.e., Table 2). " (Column 13, line 66 through Column 14, line 1). Thus, the network device 100 "obtains a list of all of the categories which are to be consulted to see what restrictions are placed on the requested URL, IP address, or other content destination." (Column 13, liens 1-4). Accordingly, the network device 100 of *Shannon* merely determines whether the requested IP address is included in the subscribed to list of restricted IP addresses, and if the requested IP address is listed, access to the requested IP address is denied. As such, there is no disclosure in *Shannon* of "receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis," as recited in Claim 1.

For at least these reasons Applicants respectfully request reconsideration and allowance of Claim 1, together with Claims 2, 4-5, and 13-14, which depend from independent Claim 1.

Independent Claims 16, 31, and 46 recite certain features and operations that are similar to the features of Claim 1. For example, Claim 16 recites "means for receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis." As another example, Claim 31 recites "logic operable to receive an Internet group management protocol request for a user to join an IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis." Claim 46 recites "authenticating access privileges of a user to the IP multicast channel upon receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel to receive the premium video content, the IP multicast channel selected from a bundle of IP multicast channels offered for receipt by the user as a multicast package on a subscription basis." Accordingly, for reasons similar to those discussed above with regard to Claim 1, Applicants respectfully submit that *Shannon* does not disclose, teach, or suggest each and every element recited in Applicants' Claims 16, 31, and 46. Claims 17 and 19-20, and 28-29 depend directly or indirectly upon Claim 16. Claims 32, 34-35, and 43-44 depend directly or indirectly upon Claim 31. Thus, for the same reasons that independent Claims 16, and 31 are allowable, these dependent claims are also allowable.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46.

Section 103 Rejections

The Examiner rejects Claims 6-9, 21-24, and 36-39 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Shannon* with U.S. Patent No. 6,219,790 B1 issued to Lloyd et al. ("*Lloyd*"), U.S. Patent No. 6, 466,571 B1 issued to Dynarski et al. ("*Dynarski*"), and U.S. Patent No. 6,718,387 B1 issued to Gupta et al. ("*Gupta*").

Claims 6-9, 21-24, and 36-39 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 6-9, 21-24, and 36-39 are allowable at least because of their dependency. Applicants have not provided detailed arguments with respect to Claims 6-9, 21-24, and 36-39. However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 6-9, 21-24, and 36-39.

Assuming for the purposes of argument only that the proposed combinations disclose the features of Claims 6-9, 21-24, and 36-39 (which Applicants do not admit), the rejections of Claims 6-9, 21-24, and 36-39 are improper at least the Examiner has not sufficiently shown that one of ordinary skill in the art at the time of invention would have been motivated to make the proposed combinations. The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). The showing must be clear and particular. *See, e.g., C.R. Bard v. M3 Sys., Inc.*, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998). The Examiner has not provided adequate evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to modify the network access control system disclosed in *Shannon* to include the AAA server disclosed in *Lloyd*, the request of *Dynarski*, or the public multicast channel of *Gupta*. For example, with regard to Claims 6-7, 21-22, and 36-37, specifically, the Examiner merely speculates "it would have been obvious" to modify the network access control system of *Shannon* to include the teachings of *Lloyd* "because the AAA server supports a variety of authentication transport protocols used by a variety of client types and is capable of supporting accounting functionality from the same database used to store user authentication and authorization information." (Office Action, page 7). The Examiner makes similar "it would have been obvious" speculations with regard to Claims 8-9, 23-24, and 38-39

It appears that the Examiner has merely proposed alleged advantages of combining *Shannon* with *Lloyd*, *Dynarski*, and *Gupta* (advantages which Applicants do not admit could

even be achieved by combining these references in the manners the Examiner has proposed). While the Examiner has, in some instances, cited portions of *Lloyd*, *Dynarski*, and *Gupta* that tout an advantage of the respective systems and techniques, the Examiner has not pointed to any portions of the cited references that would teach, suggest, or motivate one of ordinary skill in the art at the time of invention to incorporate the network access control system disclosed in *Shannon* with the AAA server disclosed in *Lloyd*, the request of *Dynarski*, or the public multicast channel of *Gupta*. In other words, the alleged advantage of the systems disclosed in the secondary references do not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention (*without using Applicants' claims as a guide*) to modify the particular techniques disclosed in *Shannon* with the cited disclosures; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claims 6-9, 21-24, and 36-39. Indeed, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine of modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

Indeed, it certainly would not have been obvious to one of ordinary skill in the art at the time of invention *to even attempt* to, let alone *to actually*, modify or combine the particular techniques disclosed in *Shannon* with the AAA server of *Lloyd*, the request of *Dynarski*, or the public multicast channel of *Gupta* in the manners proposed by the Examiner.[1] For example, *Shannon* specifically discloses that "[u]sers of the client computers in this invention are assigned to various groups, which may, for example be based on that persons responsibilities within the organization." (Column 6, lines 34-38). "If a user is in a

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[1] If "common knowledge" or "well known" art is relied upon by the Examiner to combine or modify the references, Applicant respectfully requests that the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. If the Examiner relies on personal knowledge to supply the required motivation or suggestion to combine or modify the references, Applicant respectfully requests that the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

particular group, the invention can further limit access control to, for example, web pages, data, programs, files or documents for that group at certain times, while not limiting access at other times." (Column 6, lines 38-41). The *Shannon* system is explicitly distinguished from "access control [that] is performed by customization of both the client and the server, and requires a separate authentication server." (Column 2, lines 20-22). This is explicitly contrary to the authentication procedures disclosed in *Lloyd.*

For at least these reasons, Applicants request reconsideration and allowance of Claims 6-7, 21-22, and 36-37.

The Examiner rejects Claims 10-12, 25-27, and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over *Shannon* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,026,441 issued to Ronen et al. ("*Ronen*").

Claims 10-12, 25-27, and 40-42 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 10-12, 25-27, and 40-42 are allowable at least because of their dependency. Additionally, Applicants respectfully submit that the proposed *Shannon-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Applicants' Claims 10-12, 25-27, and 40-42. As examples, Applicants respectfully submit that the proposed combinations of references does not disclose, teach, or suggest the following features recited in Applicants' claims:

- "determining whether the user is logged in to a service provider providing the multicast channel" and "unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service provider," as recited in Claims 10 and 12 (and similarly recited in Claims 25, 27, 40, and 42; and

- "determining whether the user is logged in to a service including the multicast channel" and "unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service including the multicast channel," as recited in Claims 11-12 (and similarly recited in Claims 26-27, and 41-42.

With respect to Claims 10-12, 25-27, and 40-42, the Examiner acknowledges that the newly relied upon reference of *Shannon* does not disclose, teach, or suggest the recited features and operations. (Office Action, page 9). Rather, the Examiner relies upon *Ronen* for disclosure of the elements of Claims 10-12, 25-27, and 40-42.

In previous Response to Office Actions, Applicants demonstrated that *Ronen* does not disclose the claimed features. In the Office Actions mailed on June 21, 2005, and October 4, 2005, the Examiner did not respond to these arguments made by Applicants. However, as the Examiner continues to rely upon *Ronen* for disclosure of the elements of Claims 10-12, 25-27, and 40-42, Applicants believe that Applicants' previous arguments continue to have merit. Thus, Applicants reiterate Applicants' arguments made with regard to *Ronen* in the previous Responses. Specifically, Applicants submit that *Ronen* merely discloses a method for "establishing a connection on the Internet between applications associated with two or more client terminals." (Column 1, lines 7-10). *Ronen* generally discloses that a connection can be established "on the Internet between two client applications on client terminals if the client terminal initiating the connection knows the IP address of the client terminal at the terminating end of the connection." (Column 1, lines 41-45). Such connections may be established for purposes such as Internet Telephony and teleconferencing. (Column 2, lines 1-3). Because the method disclosed in *Ronen* allows an "initiating first user at a client terminal . . . to establish a connection over the Internet with a destination user's client terminal [by using[the destination user's e-mail address (mary@def.com) to determine the domain name of that user's [Internet Access Service Provider (IASP)] (def.com)" (Column 2, lines 3-8), *Ronen* dispenses with the requirement that the initiating user know the IP address of the destination client.

More specifically, "[w]hen the [destination] user of client terminals 101 logs onto the Internet through IASP 102, and provides his or her identity through a logon and identification procedure, [destination] client terminal 101 is assigned a temporary IP address that is used for the current session." (Column 2, lines 54-58). "Thus, a database 122, associated with IASP 102, stores a mapping of each client terminal then connected to IASP 102 and its user, and the IP address assigned to that terminal." (Column 2, lines 58-61). When a initiating user then "wishes to establish a connection over the Internet with [the] destination user's client terminal . . . a domain name server (DNS) is queried to obtain the IP address of that IASP." (Column 2, lines 3-10). "The client terminal of the initiating user then sends a query to that IASP's IP address to obtain the IP address that that IASP has currently assigned to the destination user (mary)." (Column 2, lines 10-13). "If that second user is logged on, an entry will exist in a database at the destination user's IASP that associates that user (mary) with the IP address assigned by the IASP to that user's client terminal for the current session." (Column 2, lines 13-17). Thus, by accessing its associated database, IASP 102 "can determine whether a particular one its subscribers is currently logged on." (Column 2, lines 64-66). "If the destination user is logged on, the application running on the initiating user's client terminal then establishes a connection over the Internet to the destination user's client terminal using the determined IP address." (Column 2, lines 21-25). Accordingly, the *Ronen* system is merely used to identify an IP address such that a communication session can be established between two client terminals associated with different end users. Because *Ronen* is not at all related to providing multicast communications, *Ronen* does not disclose, teach, or suggest determining whether the user is logged in to a service and/or service provider providing the multicast channel and then unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service and/or service provider," as recited in Claims 10-12, 25-27, and 40-42. The recited features are completely absent from the disclosure of *Ronen*.

Additionally, Applicants respectfully submit that the rejection of Claims 10-12, 25-27, and 40-42 is improper at least the Examiner has not sufficiently shown that one of

ordinary skill in the art at the time of invention would have been motivated to make the proposed combination. Applicants reiterate the standard discussed above for combining references. With respect to Claims 10-12, 25-27, and 40-42, the Examiner has not provided adequate evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to modify the network access control system disclosed in *Shannon* to include the authentication procedures disclosed in *Ronen*. The Examiner merely speculates "it would have been obvious" to modify the network access control system of *Shannon* to include the teachings of *Ronen* "so that it would have been determined whether the user was logged in to a service provider that provided the multicast channel." (Office Action, page 9). As motivation for such a modification, the Examiner states that "ensuring that the user is logged on and that it is a known user, it enhances security so that a third party does not try and intercept services." (Office Action, page 9).

It appears that the Examiner has merely proposed alleged advantages of combining *Shannon* with *Ronen* (advantages which Applicants do not admit could even be achieved by combining these references in the manner the Examiner proposes). The Examiner has not pointed to any portions of the cited references, however, that would teach, suggest, or motivate one of ordinary skill in the art at the time of invention to incorporate the network access control system disclosed in *Shannon* with the authentication procedures of *Ronen*. In other words, the alleged advantages of the systems disclosed in *Ronen* (as purported by the Examiner) does not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention (*without using Applicants' claims as a guide*) to modify the particular techniques disclosed in *Shannon* with the cited disclosure in *Ronen*; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claims 10-12, 25-27, and 40-42. Again, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine of modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one

reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

Indeed, and stated above, it certainly would not have been obvious to one of ordinary skill in the art at the time of invention *to even attempt* to, let alone *to actually*, modify or combine the particular techniques disclosed in *Shannon* with the authentication procedures of *Ronen* in the manner proposed by the Examiner.[2] *Shannon* specifically discloses that "[u]sers of the client computers in this invention are assigned to various groups, which may, for example be based on that persons responsibilities within the organization." (Column 6, lines 34-38). "If a user is in a particular group, the invention can further limit access control to, for example, web pages, data, programs, files or documents for that group at certain times, while not limiting access at other times." (Column 6, lines 38-41). The *Shannon* system is explicitly distinguished from "access control [that] is performed by customization of both the client and the server, and requires a separate authentication server." (Column 2, lines 20-22). This is explicitly contrary to the authentication procedures disclosed in *Ronen.*

For at least these reasons, Applicants request reconsideration and allowance of Claims 10-12, 25-27, and 40-42.

The Examiner rejects Claims 15, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Shannon* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 5,671,225 issued to Hooper et al. ("*Hooper*").

Claims 15, 30, and 45 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 15, 30, and 45 are allowable at least because of their dependency. Applicants have not provided detailed arguments with respect to Claims 15, 30, and 45.

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[2] If "common knowledge" or "well known" art is relied upon by the Examiner to combine or modify the references, Applicant respectfully requests that the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. If the Examiner relies on personal knowledge to supply the required motivation or suggestion to combine or modify the references, Applicant respectfully requests that the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 15, 30, and 45.

Applicants respectfully submit that the rejection of Claims 15, 30, and 45 is improper at least the Examiner has not sufficiently shown that one of ordinary skill in the art at the time of invention would have been motivated to make the proposed combination. Applicants reiterate the standard for combining references that is discussed above. With respect to Claims 15, 30, and 45, the Examiner has not provided adequate evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to modify the network access control system disclosed in *Shannon* to include the techniques disclosed in *Hooper*. The Examiner merely speculates "it would have been obvious" to modify the network access control system of *Shannon* to include the teachings of *Hooper* "so that it would have been determined if authentication had been enabled at an access router receiving the request." (Office Action, page 10). As motivation for such a modification, the Examiner states that "by doing authentication on a proxy (i.e. router) it reduces the chances of the service provider of getting attacked by a third party." (Office Action, pages 10-11).

It appears that the Examiner has merely proposed alleged advantages of combining *Shannon* with *Hooper* (advantages which Applicants do not admit could even be achieved by combining these references in the manner the Examiner proposes). The Examiner has not pointed to any portions of the cited references, however, that would teach, suggest, or motivate one of ordinary skill in the art at the time of invention to incorporate the network access control system disclosed in *Shannon* with the techniques disclosed in *Hooper*. In other words, the alleged advantages of the systems disclosed in *Hooper* (as purported by the Examiner) does not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention (*without using Applicants' claims as a guide*) to modify the particular techniques disclosed in *Shannon* with the cited disclosure in *Hooper*; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claims 15, 30, and 45. Again, if it were sufficient for Examiners to merely

point to a purported advantage of one reference and conclude that it would have been obvious to combine of modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

Furthermore, the Examiner's speculation does not provide the suggestion or motivation required to make the proposed combination and instead simply relies upon hindsight. It is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re* Fine, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). In particular, it is improper to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re* Fritch, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Because the Examiner has merely used Applicants' claims as an instruction manual to piece together the network access control system disclosed in *Shannon* with the authentication procedures disclosed in *Ronen*, Applicants respectfully submit that the proposed *Shannon-Ronen* combination is improper and should not be used here to reject Applicants' claim.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 15, 30, and 45.

The Examiner rejects Claim 47 under 35 U.S.C. as being unpatentable over *Shannon* in view of *Ronen*.

First, assuming for the purposes of argument only that the proposed *Shannon-Ronen* combination discloses the features of Claim 47 (which Applicants dispute below), the rejection of Claim 47 is improper at least for the reasons discussed above with regard to Claims 10-12, 25-27, and 40-42. Specifically, the Examiner has not provided adequate

evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to modify subscription system disclosed in *Shannon* to include the authentication procedures disclosed in *Ronen*. The Examiner merely speculates "it would have been obvious" to modify the network access controlled system of *Shannon* to include the teachings of *Ronen* "so that it would have been determined whether the user was logged in to a service provider that provided the multicast channel." (Office Action, page 12). As motivation for such a modification, the Examiner states that "ensuring that the user is logged on and that it is a known user, it enhances security so that a third party does not try and intercept services." (Office Action, page 12).

Again, it appears that the Examiner has merely proposed alleged advantages of combining *Shannon* with *Ronen* (advantages which Applicants do not admit could even be achieved by combining these references in the manner the Examiner proposes). The Examiner has not pointed to any portions of the cited references, however, that would teach, suggest, or motivate one of ordinary skill in the art at the time of invention to incorporate the network access control system disclosed in *Shannon* with the authentication procedures of *Ronen*. In other words, the alleged advantages of the systems disclosed in *Ronen* (as purported by the Examiner) do not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention (***without using Applicants' claims as a guide***) to modify the particular techniques disclosed in *Shannon* with the cited disclosure in *Ronen*; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claim 47. As stated above, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine of modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

The Examiner's speculation, however, does not provide the suggestion or motivation required to make the proposed combination and instead simply relies upon hindsight. It is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re* Fine, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). In particular, it is improper to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re* Fritch, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Because the Examiner has merely used Applicants' claims as an instruction manual to piece together the network access control system disclosed in *Shannon* with the authentication procedures disclosed in *Ronen*, Applicants respectfully submit that the proposed *Shannon-Ronen* combination is improper and should not be used here to reject Applicants' claim.

Indeed, it certainly would not have been obvious to one of ordinary skill in the art at the time of invention *to even attempt* to, let alone *to actually*, modify or combine the particular techniques disclosed in *Shannon* with the authentication procedures of *Ronen* in the manner proposed by the Examiner.[3] *Shannon* specifically discloses that "[u]sers of the client computers in this invention are assigned to various groups, which may, for example be based on that persons responsibilities within the organization." (Column 6, lines 34-38). "If a user is in a particular group, the invention can further limit access control to, for example, web pages, data, programs, files or documents for that group at certain times, while not limiting access at other times." (Column 6, lines 38-41). The *Shannon* system is explicitly distinguished from "access control [that] is performed by customization of both the client and the server, and requires a separate authentication server." (Column 2, lines 20-22). This is explicitly contrary to the authentication procedures disclosed in *Ronen*.

Second, Applicants respectfully submit the proposed *Shannon-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Applicants' Claim 47.

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[3] If "common knowledge" or "well known" art is relied upon by the Examiner to combine or modify the references, Applicant respectfully requests that the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. If the Examiner relies on personal knowledge to supply the required motivation or suggestion to combine or modify the references, Applicant respectfully requests that the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

For example, Claim 47 recites "determining whether the user is logged in to a service provider providing a service including the IP multicast channel" or "determining whether the user is logged in to the service including the IP multicast channel" and "unsuccessfully authenticating access privileges of the user to the IP multicast channel in response to at least one of determining the user is not logged in to the service provider and determining the user is not logged in to the service." With respect to the above recited features and operations, the Examiner continues to rely upon the disclosure of *Ronen*. Applicants have shown above with respect to Claims 10-12, 25-27, and 40-42, however, that *Ronen* does not disclose, teach, or suggest the recited features and operations. To the contrary, *Ronen* merely discloses a method for "establishing a connection on the Internet between applications associated with two or more client terminals" and is not at all related to the provisioning of multicast communications. (Column 1, lines 7-10). Accordingly, for reasons similar to those discussed above with regard to Claims 10-12, 25-27, and 40-42, Applicants respectfully submit that the proposed *Shannon-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Claim 47.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 47.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Keiko Ichiye, Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Applicants do not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Keiko Ichiye
Reg. No. 45,460
(214) 953-6494

Date: December 22, 2005

Correspondence Address:

at Customer No. **05073**